

*** NOT FOR PUBLICATION ***

NO. 25734

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ESTHER J. BUSCHER, Plaintiff-Appellee/Cross-Appellant

vs.

DUANE S. BONING, COMMERCE INSURANCE CO., AVIS RENT-A-CAR SYSTEM,
INC., Defendants-Appellants/Cross-Appellees

and

CRAWFORD & CO., and STATE OF HAWAI'I, Defendants-Appellees

and

JOHN DOES 1-5, JANE DOES 1-5, DOE CORPORATIONS 1-5, ROE
GOVERNMENTAL ENTITIES 1-5, Defendants

and

DUANE S. BONING, COMMERCE INSURANCE CO., AVIS RENT-A-CAR SYSTEM,
INC., Third-Party Plaintiffs-Appellants

vs.

STANFORD H. MASUI, Third-Party Defendant-Appellee

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 99-0220K)

ORDER DISMISSING APPEAL AND CROSS-APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that the claims, counterclaims, cross-claims and third-party claims asserted in Civil No. 99-0220K were resolved by a series of orders and uncertified judgments, but the orders and the uncertified judgments were not reduced to a single judgment resolving all claims of all the parties. See HRCP 58; Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119-120, 869 P.2d 1334, 1338-39 (1994) (In a multiple-claim or multiple-party circuit court case

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in which all claims of all the parties have been resolved, an appeal may be taken after entry of a judgment that, on its face, resolves all claims of all the parties.). Absent entry of a judgment resolving the claims, counterclaims, cross-claims and third-party claims asserted in Civil No. 99-0220K, the appeal from Civil No. 99-0220K is premature and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that this appeal and cross-appeal are dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, September 16, 2003.